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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,024	08/10/2006	Shinichi Nishida	1248-0891PUS1	4142
2292 7590 06/11/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER KUMAR, SRILAKSHMI K				
ART UNIT 2629		PAPER NUMBER		
NOTIFICATION DATE 06/11/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/589,024

Applicant(s)

NISHIDA ET AL.

Examiner

SRILAKSHMI K. KUMAR

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 8, 15, 16, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 9-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following office action is in response to the amendment filed on March 17, 2010. Claims 1-16, 18 and 20 are pending. Claims 1, 2, 4, 8, 9, 11 and 20 have been amended. Claims 17 and 19 have been cancelled.

Claim Objections

1. Claims 20 is objected to because of the following informalities:

Line 1 of **claim 20** recites "A computer readable recording medium", however, there is no support in the specification for this limitation. While original claim 20 recites the computer readable recording medium, this recitation alone does not satisfy the written description requirement. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 8, 10, 15, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al (US PG-Pub 2003/0120742) in view of Cho (GB 2 343 334).

As to independent claims 1 and 8, Ohgami et al teach a display apparatus (item 6) for wirelessly receiving at least (i) a recognition information signal for determining whether or not the display apparatus is identified with a wireless transmitting apparatus (paragraphs 0053, 0063-0071; 0074-0076) and (ii) a video signal, the display apparatus, comprising: wireless receiving means for receiving the recognition information signal (paragraph 0053-0099) and the video

signal that are wirelessly transmitted (paragraph 0053-0099); detecting means for carrying out detection of the recognition information signal (paragraph 0053-0099, 157-159); display means for displaying an image in accordance with at least the video signal (paragraph 0053-0099, 157-159); storage means for storing display information indicating that it is not possible to receive a signal (paragraph 0053). Ohgami does not teach display control means for, when the video signal is not normally received, causing the display means to display one of a plurality of poor reception information that are based on the display information, the poor reception information of which the display control means causes a display differs according to a result of the detection carried out by the detecting means. Ohgami teaches wherein when the detecting means detects another recognition information signal that is different from a recognition information signal set in the display apparatus, (paragraph 0053-0099, 157-159).

Cho teaches display control means for, when the video signal is not normally received, causing the display means to display one of a plurality of poor reception information that are based on the display information, the poor reception information of which the display control means causes a display differs according to a result of the detection carried out by the detecting means on pages 3, line 22 to page 9, lines 30 (where the poor reception information is displayed as a bar graph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the poor reception information as taught by Cho into Ohgami et al in order to provide a clear indication of successful communication (Cho, abstract title).

As to dependent claims 3 and 10, limitations of claim 1 and 8, and further comprising, wherein: Cho teaches the first poor reception information and the second poor reception information are displayed in different display formats (page 6, lines 5-25).

As to claims 15 and 16, see limitations of claims 1, 3, 8 and 10 above.

As to independent claim 18, this claim differs from claims 1 and 8, above only in that claim 18 is a method, whereas claims 1 and 8 are directed to an apparatus or device. Thus the method claim 18 is analyzed as previously discussed with respect to apparatus/device claims 1 and 8, above.

As to dependent claim 20, limitations of claim 19, and further comprising, Ohgami et al teach a computer readable recording medium storing the display control program (paragraph 0053).

Allowable Subject Matter

4. Claims 2, 4-7, 9, 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed March 17, 2010 have been fully considered but they are not persuasive.

With respect to the 35 USC 101 rejection, as applicants have cancelled the rejected claim 19, this rejection is moot.

With respect to claim objections, the objection to claims 3 and 10 have been withdrawn with the amendments to the claims to clarify the limitations.

With respect to the claim objection for claim 20, this rejection is maintained. Applicant argues where support for the "computer readable recording medium" is provided "at least because claim 20 constituted part of the original disclosure". While original claim 20 recites the

computer readable recording medium, this recitation alone does not satisfy the written description requirement. Amending the specification to teach a computer readable recording medium would satisfy the written description requirement and will not be considered to be new matter.

With respect to the 35 USC 112, 2nd paragraph rejection for claims 4-7 and 11-14, this rejection has been withdrawn as applicants have amended the claims to overcome the rejection.

With respect to the allowable subject matter of claims 2, 4-7, 9 and 11-14, applicants have indicated that claims 1 and 8 have been amended to incorporate subject matter from allowable claims 2 and 9, respectively. Applicants are reminded that all of the limitations of the claims which have been indicated to have allowable subject matter should be incorporated into the independent claims. For example, dependent claim 5 has been indicated to have allowable subject matter, and claim 5 depends on claim 4; claim 4 depends on claim 3; and claim 3 is dependent on independent claim 1. In order to rewrite claim 5 to be an independent claim, claim 5 must include ALL of the limitations of claims 1, 3, 4 and 5. Claims 1 and 8 do not include all of the limitations of the allowable claims 2 and 9. Claims 2, 4-7, 9 and 11-14 are still objected to as having allowable subject matter.

With respect to applicant's arguments of where the prior art of Cho does not disclose displaying display information which indicates that it is not possible to receive a video signal and the display format of the display information is changed according, examiner, respectfully, disagrees. Cho teaches in pages 3, line 22 to page 9, lines 30 where the poor reception information is displayed as a bar graph. Applicants further argue where the prior art does not

teach or disclose a data error rate as a predetermined recognition information signal. Applicants do not claim that the predetermined recognition information signal is a data error rate.

The prior art of Ohgami in view of Cho teach the claimed limitations. Therefore, the rejection is maintained and made FINAL.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Srilakshmi K Kumar/
Primary Examiner
Art Unit 2629

SKK
December 14, 2009